

**PROCEEDINGS
OF
CITY COUNCIL
OF THE
CITY OF LOWELL
TUESDAY, SEPTEMBER 16, 2019, 7:00 P.M.**

1. CALL TO ORDER; PLEDGE OF ALLEGIANCE; ROLL CALL.

The Meeting was called to order at 7:00 p.m. by Mayor DeVore and City Clerk Sue Ullery called roll.

Present: Councilmembers Marty Chambers, Cliff Yankovich, Jim Salzwedel, Greg Canfield and Mayor DeVore.

Absent: None.

Also Present: City Manager Michael Burns, Chief of Police Steve Bukala, DPW Director Dan Czarnecki and City Clerk Sue Ullery, Lowell Light & Power Steve Donkersloot, City Attorney Dick Wendt and Attorney Jessica Wood with Dickinson & Wright.

2. PRESENTATION FROM THE AMERICAN WATER WORKS ASSOCIATION (MICHIGAN SECTION) ON LOWELL BEST TASTING WATER AWARD.

City Manager Michael Burns introduced Aaron Davenport, a representative from the American Water Works Association, Michigan Section, who came to present the award. Burns also recognized the three employees who work at the water plant: Water plant Superintendent Brian VanVeelan, Water plant Operator Todd Phillips and Utility Supervisor Ralph Brecken.

3. CONSENT AGENDA.

- Approval of the Agenda.
- Approve and place on file the Regular and Closed minutes of the September 3, 2019 City Council Meetings.
- Authorize payment of invoices in the amount of \$65,999.33.

IT WAS MOVED BY SALZWEDEL and seconded by CANFIELD to approve the consent agenda as written.

YES: Councilmember Salzwedel, Councilmember Yankovich, Councilmember Chambers, Councilmember Canfield and Mayor DeVore.

NO: None.

ABSENT: None.

MOTION CARRIED.

4. CITIZEN COMMENTS FOR ITEMS NOT ON THE AGENDA.

There was none.

5. OLD BUSINESS

a. City Income Tax Update.

City Manager Michael Burns gave an update since the last meeting stating we are having our first informational meeting, Wednesday, September 18, 2019. There will be another mailer at the end of the month, just like last month with the sewer/water bills. We will also be doing some social media

marketing. If the income tax does pass, we are putting a plan in place as to what roads will be repaired. Burns then introduced DPW Director Dan Czarski who then spoke on the Lowell Street Assessment, a 3 Year Street Improvement Plan and he provided maps.

b. Unity School Investors Planned Unit Development.

City Manager Michael Burns stated at the September 3, 2019 City Council meeting, City Council directed City Administration to prepare an ordinance to approve the Planned Unit Development Agreement with Unity School Investors. We were directed to prepare language in the ordinance with two modifications from the original conditions recommended from the Planning Commission's August 12, 2019 resolution. Those modifications were as follows:

- Remove recommendation "j"; requiring eighteen spaces located on to be dedicated to parking for the proposed PUD and deed restrict those spaces.
- Add a new provision "j" to the ordinance stating, "The applicant shall install a curb gutter, and sidewalk along the south side of the development, along the north side of High Street, but outside of the High Street right-of-way. There shall be no curb cuts on the north side of High Street." This is to be completed as a part of Phase 1.

IT WAS MOVED BY DEVORE and seconded by CANFIELD to approve the Unity School Investors Planned Unit Development.

Yes: Councilmember Yankovich, Councilmember Chambers, Councilmember Canfield, Mayor DeVore, and Councilmember Salzwedel.

NO: None.

ABSENT: None.

MOTION CARRIED.

c. Public Hearing – Adult Use Marijuana Ordinance.

Mayor DeVore opened the public hearing.

Brad Closure who resides in Greenville stated he did not understand the lighting restrictions in the ordinance and would like to see that removed from the ordinance. Council will look into the reason that is in the ordinance and report back at the next meeting.

Attorney Jessica Wood with Dickinson & Wright stated this is sometimes in the ordinance and we should discuss this as well as one other item that came up today.

Mayor DeVore closed the public hearing.

6. NEW BUSINESS.

a. Wastewater Treatment Plant Digester #3 Lid.

City Manager Michael Burns stated in the current fiscal year budget, \$68,000 was budgeted in the Wastewater fund to repair the lid to digester #3 at the Wastewater Treatment Plant. This lid has not been

repaired since the wastewater plant was built and is in need of an upgrade. Suez can provide this work under the maintenance clause of their current agreement with the City and have given a proposal of completing the work for \$60,000. There was also a need for some engineering inspection work to ensure the repairs are made properly and we received a quote from Williams and Works and Prein & Newhof. Williams & Works had a lower quote of \$1,440.

IT WAS MOVED BY CHAMBERS and seconded by YANKOVICH to approve Suez and Williams & Works to proceed with their proposed work to repair Digester #3 at the Wastewater Treatment Plant at a cost not to exceed \$61,440.

YES: Councilmember Canfield, Mayor DeVore, Councilmember Salzwedel, Councilmember Yankovich, and Councilmember Chambers.

NO: None.

ABSENT: None.

MOTION CARRIED.

b. Wastewater Treatment Plant Expansion Study Proposal.

City Manager Michael Burns stated currently we are approaching our 80% capacity for the wastewater treatment plant. Once we are over the 80% level, we are required by the Michigan Environment, Great Lakes and Energy (EGLE) to begin planning for an expansion. While we are currently finishing our assessment from the Stormwater Asset Management (SAW Grant) program, we are hoping many of the recommendations being made through SAW will allow us to avoid having to conduct a plant expansion. Lowell Township, which currently owns 18% capacity in our system, is continuing to grow at a much faster pace than the City. In addition, Lighthouse is now delivering processed water to the Wastewater Treatment Plant after a 2-year hiatus. Now would be a good time to complete the necessary study to determine what upgrades to the facility would need. In the current fiscal year, the City budgeted funds in the Wastewater Fund for the Wastewater Plant Study. The estimate from Williams & Works of \$13,000 to complete the study has been received. Additionally, Lowell Township has agreed to pay 50% of the cost for the study as they are partners in this and in future ventures.

IT WAS MOVED BY CANFIELD and seconded by SALZWEDEL to approve the provided estimate of a cost not to exceed \$13,000 (\$6,500 paid by Lowell Township) for an expansion study of the Wastewater Treatment Plant.

YES: Mayor DeVore, Councilmember Salzwedel, Councilmember Yankovich, Councilmember Chambers, and Councilmember Canfield.

NO: None.

ABSENT: None.

MOTION CARRIED.

7. BOARD AND COMMISSION REPORTS.

Councilmember Yankovich attended the Chamber of Commerce Board meeting and learned at the golf outing they held, they raised \$8000 for the Ivan K Blough Scholarship which is for people going into the Trades Industry. Yankovich also stated Riverwalk was a great success, it is the Chambers #1 fundraiser and they were up about \$5,000 this year.

Councilmember Salzwedel stated he attended the Arbor Board meeting and Dr. Reagan is willing to serve again. Salzwedel also stated Dan Czarnecki has his work cut out for him trying to find the right trees to plant downtown and around the City and what kind of plaques to standardized for anyone who wants to donate a tree.

Councilmember Canfield stated the Lowell Area Recreation Authority met last week and they are working with Harding Enterprises to do some sealing of the trails to make sure they stay in good condition. A few areas have some cracks that need to be cut out and patched. Unfortunately, we are coming up \$1.5 Million short on the \$6.5 Million that we need for phase two of the trail and so our plan now is to withdraw our application on October 1, 2019 or shortly after that and try again next year.

Councilmember Chambers stated Planning Commissioners requested Andy Moore with Williams & Works to have some educational classes with them. Light and Power meeting was the usual daily business and the guys at Light & Power do a great job.

General Manager of Lowell Light & Power Steve Donkersloot stated the LL&P Board took a unanimous action to depart with the Line Chat building down on the River, so it will ultimately be up to the City Manager and the City Council whether they want to put out an RFP to sell that facility.

Mayor DeVore stated they had Fire Authority meeting last Monday and the proposal for a consultant came up again. They decided on one consultant pending two of the three municipalities approving the funding so next meeting he will bring that back to go over and get a consensus on what City Council would want to do.

8. MANAGER REPORT.

City Manager Michael Burns stated the following:

- Wednesday evening, we had our storms that came through town, the Valley Vista subdivision was the worst area hit and some areas southeast of the fairgrounds as well as some of the fairgrounds. The DPW staff is still working and trying to get the debris cleaned up. Lowell Light & Power worked until 4 a.m. the next morning to get all the outages corrected. They did a great job as well as Suez.
- We will be having our first informational meeting Wednesday, September 18, 2019 on the City Income Tax Proposal and hopefully it will be well attended and people will understand what it is they have to consider.
- Our next City Council meeting will be October 7, 2019 and we will have a Committee of the Whole meeting at 5:30 with MDOT as long as the State of Michigan does not shut down.

9. APPOINTMENTS.

By general consensus, the Councilmembers reappointed Dr. Reagan to the Arbor Board and Mayor DeVore stated at this time, there are no other applications for any other appointments.

10. COUNCIL COMMENTS.

Councilmember Canfield stated he felt it was a great idea that the DPW is helping our residents with the debris from the storm and he thanked them.

Councilmember Chambers wanted to congratulate the Water Department on winning the Best Tasting Water Award and feels that is a huge feat. It is good to see our town providing several winners. We are doing it right and are very fortunate.

Councilmember Yankovich was able to interact with a bunch of people at the Pink Arrow Game who were not from Lowell while he was giving chauffeur rides, and it was fun to talk and interact with them bragging about Lowell, the pink arrow event and our football team. His wife Julie worked at the Fallsburg Festival and there was an hour wait to get in and he believes it was a record day for them and it is good to be in Lowell!

Councilmember Salzwedel stated he was at the Fallsburg Festival helping the Lowell Women's Club set up and tear down and they were extremely busy and sold out of everything. It was a great turnout!

Mayor DeVore stated he attended the Pink Arrow Game on Friday night and he was very impressed with the Greenville turnout and how engaged they were with everything we were doing and they were very supportive. Perry and Theresa Beachum do a great job out there and DeVore spoke with Greg Pratt about it and he feels the Pink Arrow Event is probably the coolest thing he has been a part of and he is really glad it is here. DeVore also said he helped with tickets for the fire department chicken barbeque at the Fallsburg Festival and they ran out of tickets by 2 o'clock on Sunday and it's a great event as well.

11. MOTION TO GO INTO CLOSED SESSION.

IT WAS MOVED BY SALZWEDEL and seconded by CANFIELD to go into closed session to discuss pending litigation between the City of Lowell and the Unity School Investors @ 8:06.

YES: Councilmember Salzwedel, Councilmember Yankovich, Councilmember Chambers, Councilmember Chambers, and Mayor DeVore.

NO: None.

ABSENT: None.

MOTION CARRIED.

12. MOTION TO GO BACK INTO OPEN SESSION.

IT WAS MOVED BY YANKOVICH and seconded by SALZWEDEL to go back into open session at 8:51p.m.

YES: Councilmember Yankovich, Councilmember Chambers, Councilmember Canfield, Mayor DeVore, and Councilmember Salzwedel.

NO: None.

ABSENT: None.

MOTION CARRIED.

13. ADJOURNMENT.

IT WAS MOVED SALZWEDEL and seconded by CANFIELD to adjourn at 8:51 p.m.

YES: Councilmember Chambers, Councilmember Canfield, Mayor DeVore, Councilmember Salzwedel,
and Councilmember Yankovich.

NO: None.

ABSENT: None.

MOTION CARRIED.

DATE:

APPROVED:

Mike DeVore, Mayor

Sue Ullery, Lowell City Clerk